

NOV-17-04 16:52

FROM: Merchant & Gould

RECEIVED  
CENTRAL FAX CENTER

6123329081

T-756 P.002/020 F-322

NOV 17 2004

S/N 09/957434

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yiv et al.	Examiner:	Michael C. Henry
Serial No.:	09/957,434	Group Art Unit:	1623
Filed:	September 19, 2001	Docket No.:	12152.48USII
Customer No.:	23552	Confirmation No.:	3245
Title:	Gel-Microemulsion Formulations		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703.872.9306 on November 17, 2004.

By: *Patricia L. Harmon*  
Name:

AMENDMENT AND RESPONSE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 5, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 15 of this paper.

11/19/2004 FINDER 0957434 30715 0957434  
1 000000 2004-00 00

2201-264

6x44=264

The combination of Fost with Nath fails to teach the claimed gel-microemulsion. The teachings of the references are incompatible, and do not teach all the elements of the claims. The claimed gel-microemulsion of claims 82 and 83 is not rendered obvious by the combination of Fost with Nath.

### Conclusions

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. Please charge our Deposit Account No. 13-2725 in the amount of \$264.00 to cover the required additional claim fees due for a small entity as a result of these amendments.

Applicants request a telephone conference to advance the prosecution of this application if a Notice of Allowance will not be granted. The Examiner is requested to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: November 17, 2004

By: Anne M. Murphy  
Name: Anne M. Murphy  
Reg. No.: 54,327  
AMM:pl